

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. PHILLIP POND, Defendant.	5:24-CR-50009-KES-02 ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING MOTION
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Defendant, Phillip Pond, filed a *pro se* “motion challenging sworn statements/probable cause affidavit pursuant ‘Franks v. Delaware’ [sic]”. Docket 154. Pond’s motion appears to seek both the suppression of evidence obtained from the search warrant applied for by Federal Bureau of Investigations Special Agent Brian Healy, and dismissal of the indictment against him. *See id.* at 2, 4–5. The United States opposes the motion and filed a response. Docket 169. Magistrate Judge Daneta Wollmann recommended that Pond’s motion be denied. Docket 173.

The court reviews *de novo* any objections to the magistrate judge’s recommendations with respect to dispositive matters that are timely made and specific. 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b). Because motions to suppress and dismiss are considered dispositive matters, objections to a magistrate judge’s recommendation regarding such motions are subject to *de novo* review. 28 U.S.C. § 636(b)(1).

The time for objections has passed and no objections to the report and recommendation have been filed. *See* 28 U.S.C. § 636(b)(1)(C) (“Within fourteen days after being served a copy, any party may file written objections to [the Magistrate Judge’s] proposed findings and recommendations as provided by rules of court.”); *see also* Docket 173. After a review of Pond’s motion and Magistrate Judge Wollman’s Report and Recommendation, the court adopts Magistrate Judge Wollmann’s complete and well-analyzed report and recommendation in full. Thus, it is

ORDERED that the report and recommendation (Docket 173) is adopted in full, and Pond’s motion (Docket 154) is denied.

Dated May 22, 2024.

BY THE COURT:

/s/ Karen E. Schreier

KAREN E. SCHREIER
UNITED STATES DISTRICT JUDGE